

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

AMANDA CRIDER, Plaintiff/Appellant,)	No. ED96907
v.)	Appeal from the Circuit Court
BARNES-JEWISH ST. PETERS HOSPITAL,)	of St. Charles County
INC. d/b/a BARNES-JEWISH ST. PETERS)	Honorable Lucy D. Rauch
HOSPITAL, Defendant/Respondent.)	Date: January 17, 2012

Plaintiff appeals from the trial court's judgment dismissing her petition, which sought damages against defendant hospital, for plaintiff's failure to file a health care affidavit as required by section 538.225 RSMo (Cum. Supp. 2008).

AFFIRMED.

Division Two Holds:

1. We determine whether a party must file a health care affidavit by considering whether the relationship between the parties is one of health care provider and patient, and if the "true claim" relates only to the provision of health care services. This analysis applies no matter how a plaintiff characterizes his or her claims.
2. When plaintiff alleged that defendant was a medical facility that provided medical services, that she was admitted to defendant's facility to give birth, and that she was under defendant's care, the relationship of the parties was one of health care provider and patient.
3. Failure to appropriately obtain informed consent is medical malpractice.
4. Plaintiff's true claim relates only to the provision of health care services because the wrong alleged was the nature in which defendant obtained plaintiff's consent to an epidural.

Opinion by: Kathianne Knaup Crane, P.J.

Kenneth M. Romines, J. and Robert M. Clayton III, J., concur.

Attorney for Appellant: Jeffrey S. Damerall

Attorneys for Respondent: Jonathan H. Garside, Katherine M. Fowler, and Erika N. Reynolds

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
